IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Civil Contempt Petition No. 348 of 2004

Smt. Neeta Lohani
W/o Sri Ishwar Dutt Joshi
R/o Simalgair Bazar
Pithoragarh .....Petitioner

Vs

Sri Dan Singh Rautela
Regional Joint Director of Education
Kumaon Region
Nainital .....Opposite Party

Sri Alok Mehra holding brief of Sri Manoj Tiwari, learned counsel for the petitioner
Sri Subhash Upadhyay, learned brief holder for the State/opposite party

Hon'ble B.C. Kandpal, J.

This contempt petition has been filed by the applicant – Smt. Neeta Lohani praying therein that the opposite party be punished for committing willful disobedience of the order dated 21.06.2004 passed by this Court in Writ Petition No. 737 (S/S) of 2003 Smt. Neeta Lohani Vs State of Uttaranchal & others.

2. Heard Sri Alok Mehra holding brief of Sri Manoj Tiwari, learned counsel for the petitioner, Sri Subhash Upahdyay, learned brief holder for the opposite party and perused the record.

3. This Court issued direction vide judgment dated 21.06.2004 in Writ Petition No. 737 of 2003 (S/S) Smt. Neeta Lohani Vs State of Uttaranchal & others, which reads as under:-

"Therefore, Joint Director of Education is directed to correct the mistake and republish the list of the selected

candidates, who have their graduation/degree either in Home Art or in Home Science or in Euthenics. If the candidates are not available, then the post shall be re-advertised containing the same qualifications and shall be filled strictly in accordance with the eligibility provided under clause-15 of Rules 8 of the Rules known as U.P. Subordinate Educational (Trained Graduates Grade) Service Rules, 1983"

4. The notice was issued to the respondent for filing the response.

5. In compliance of the order passed by this Court, the respondent filed the response. Paragraph 4 of the response filed by the respondent reads as follows:-

"That in pursuance of the order passed by the Hon'ble Court the appointments of Km. Sunita Nautiyal, Km. Suman and Km. Pratibha Sharma, who were placed at serial No. 3, 4 & 5 of the select list of the general candidates were cancelled and Smt. Usha Pawan, Km. Reeta and Km. Seema, who were placed in waiting list were given appointments. True photocopy of the order dated 5th February 2005, by which the appointments of Km. Sunita Nautiyal, Km. Suman and Km. Pratibha Sharma were cancelled and copy of the order dated 5th February, by which Smt. Usha Pawan, Km. Reeta and Km. Seema were given appointments are being annexed herewith and marked that Annexures C.A.1 & C.A.2 respectively to the affidavit. It is submitted that the petitioner Smt. Neeta Lohani was placed at serial No.12 in the waiting list and as such she could not be appointed."

6. In view of the averments made in the response filed by the respondent, it is quite clear that the direction issued by this Court vide judgment dated 21.06.2004 has been complied with.

7. Under the aforesaid circumstance, the contempt petition is dismissed. The notice issued to the opposite party is withdrawn.

(B.C. Kandpal, J.)

04.09.2006
ASWAL